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THESIS

**THE FINAL STATUS OF KOSOVO AND ITS
IMPLICATIONS FOR BALKAN STABILITY**

by

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March 2005

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**THE FINAL STATUS OF KOSOVO AND ITS IMPLICATIONS FOR BALKAN
STABILITY**

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Submitted in partial fulfillment of the
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This thesis presents the possible scenarios for the final political status of Kosovo, undecided since 1999, and the implications of these scenarios for the stability of the Balkans.

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Finally, the possible scenarios for Kosovo's final status are examined and the one best for regional stability is suggested.

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I. INTRODUCTION

A. JUSTIFICATION OF THE TOPIC

Close to twelve decades ago, the German statesman Otto Von Bismarck said, “If there is ever another war in Europe, it will come out of some ... silly thing in the Balkans.”¹

The Balkans has justified this prediction, as it is the region in southeastern Europe where three of the twentieth-century wars have erupted: the First World War in July 1914, the war in Bosnia in 1991, and the war in Kosovo in Yugoslavia in March 1999. The former resulted in the disintegration of the Ottoman Empire; the latter was one of the consequences of the collapse of the Soviet Union and the disintegration of Yugoslavia. The final results of the war in Kosovo have not been decided yet. Six years after the end of the bombing the Serbian province remains a UN protectorate. A combination of historical reasons, nationalism, failure of the state, and liberal ideas resulted in the war on Kosovo. The area has great historical meaning for both Serbs and Albanians. This factor, in combination with the suppression of the Milosevic regime and the demographic factor (90 percent of the population is Albanian), comprised the origins of the last conflict in Europe in the twentieth century.

Although Kosovo had had autonomy status since 1974, the secessionist aspirations of the Kosovar Albanians caused Milosevic to withdraw this status in 1989 and to initiate a policy of ethnic cleansing that resulted in an international intervention in favor of the Kosovar Albanians. Although there were attempts for a diplomatic solution of the problem, Milosevic ignored them and NATO bombings begun on 24 March 1999. After eleven weeks, the bombings were halted with the agreement for withdrawal of Serbian forces and the establishment of a UN administration for supervision of the area. The Kosovar Albanians’ demands for an independent state were not satisfied, as the international community, after the end of the bombings, by UN Resolution 1244 (1999) turned Kosovo into a United Nations protectorate. This decision shows the complicated situation in the region. Although the Resolution stated “the commitment of all Member

¹ Rozen, Laura and Kay, and Santoro, Lara, “As a Political Rebellion Boils in the South, Banditry Breaks out in Albania’s North,” *Christian Science Monitor*, 14 Mar 1997. p.7.

States to the sovereignty and territorial integrity of the Former Republic of Yugoslavia,” it put Kosovo under the UN’s authority.²

This present status has caused some policy experts to conclude that “it fuels misplaced hopes for some in Serbia that all or part of Kosovo will again come under the authority of Belgrade, postpones stability in Southeast Europe, and most disturbingly, contributes to increase tensions, political and economic stagnation, and an unhealthy culture of dependence among Kosovo’s ambitious, youthful, and growing population.”³

Kosovo’s present situation is a stalemate. The security is fragile; in the area of governance more must be done as the democracy is weak, lacking the participation of all the minority groups. The economic conditions are poor with about 60% unemployment and an economy based on international aid. The judicial system is not yet consolidated and the achievement of reconciliation needs more time. Although a lot of progress has been made since 1999, it will take a long time to achieve the overall peaceful coexistence of minorities, economic prosperity, and the establishment of the rule of law. The recent violent events of March 2004 and the election as Prime Minister of an ex-KLA leader suggest that the effort for self-government is not on the right course for democracy, development, and reconciliation, which are not easy tasks by their nature.

Kosovo’s final status will determine not only its own future and course toward development, but also all the other Balkan countries’ stability, cooperation, and integration into the European structure. Most of these countries have many similarities with Kosovo, such as ethnic minorities and a fragile stability. All are relatively new and weak states with poor economic conditions and base their survival on foreign aid.

The characterization of this status as “final” means that it must be a long-standing status that will lead to a self-sustaining society with all the necessary conditions for peaceful development, justice, and social well-being. The decision for Kosovo’s final status will affect all the Balkan countries, and it is probable that this decision will be an example for other ethnic minorities who will raise similar demands. This might cause rising aspirations for secession movements, the disintegration of states, and instability in

² UN Security Council Resolution 1244, para 6.

³ Crocker, Bathsheba. *Winning the Peace: Kosovo, Learning to Leverage “Liberator” Status*, Ch. 212, p. 202.

the region with the possible intervention of other Balkan countries in the resulting conflict. Other weak states are a potential threat to international peace and security,⁴ especially in such an unstable region.

However, Kosovo has proved that it cannot survive as an independent state without international aid. Everyone recognizes the necessity for the international administration's remaining. The international community also has recognized this weakness and has decided on a "standards before status" policy that requires the achievement of certain standards, in all the basic sectors of civil life, before the decision of a final status can be made. The creation of the Kosovo Standards Implementation Program, which determines the necessary actions for the achievement of the required standards in certain sectors of society both applies this policy and provides a way to assess the success of the current Provisional Institutions for Self-Governance (PISG).

The criteria for state creation have changed dramatically since the nineteenth century. Today the international system recognizes a state only if it has control over all its territory. These twentieth-century state-creation standards reflect an international trend for self-determination and self-rule that has resulted in the creation of an average rate of 2.5 new states each year since 1945.⁵

B. THESIS ORGANIZATION

The international community has not yet decided the final state status of Kosovo following the end of bombing in 1999. The purpose of this thesis is to examine the possible scenarios and the potential consequences of the final status of Kosovo according to an analysis of its present status, and the stability and development of the region as a whole. The involvement of actors with different interests, sometimes opposite, created in Kosovo an ambiguous and unstable situation which necessitates a long time for the achievement of the required standards and conditions for peace and development.

The study is organized in five chapters:

Chapter I is an introduction that analyzes the justification for the topic and explains the thesis's organization.

⁴ Eizenstat, Stuart E., Porter, J.E., and Weinstein, J.M.. Rebuilding Weak States: "Today however the gravest danger to the nation lies in the weakness of other countries," *Foreign Affairs*, Jan/Feb 2005, p.134.

⁵ Holsti, K.J., *Taming the Sovereigns: Institutional Change in International Politics*, p. 49.

Chapter II analyzes the four basic pillars—security, governance and participation, economic and social well being, and justice and reconciliation—of theories about reconstruction in post-conflict societies.

Chapter III describes the present situation in Kosovo. It begins with a brief historical report for understanding the difficulties in the society today. Although a lot of progress has been achieved, many things remain to be done. International administration is the core element in reconstruction, and its longevity in Kosovo will assure the achievement of all the standards that have been set.

Chapter IV describes possible scenarios for the final status of Kosovo and their consequences in terms of regional stability. Finally, the chapter discusses the most preferable scenario, one that will serve the interests of both the Albanians and the Serbs.

Chapter V presents the findings of the analysis and draws conclusions.

II. RECONSTRUCTION OF A POST-CONFLICT SOCIETY

A. GENERAL

Changes in the international system after the collapse of the Soviet Union and the end of the Cold War created all the necessary conditions for new conflicts. Although some scholars supported the idea of world peace and the “end of history,” events proved exactly the opposite. The decline of tension between East and West and changes in the priorities of the superpowers provided an opportunity for other players within the international system—including the United Nations—to try to implement solutions in conflicts all over the world.⁶ Some of them were long-standing but others were new and, although they have historical origins, the changes in the international system created the conditions for the ignition of civil wars.

The twentieth century can be characterized by three benchmarks of state-making. The first is 1919, the second is the end of World War II, and the third is the early-1990s.⁷ Since the end of World War II, the main cause of crises and wars was the creation of states. Almost every group that differs from another in the same region in religion, culture, or language has tried to separate from the other and to create an independent state. The result was the wars and crises of the last decade of the twentieth century.⁸ Kosovo belongs to this category. Although not an independent state, a crisis occurred with the Kosovar Albanians’ claims for independence after long suppression by the Milosevic regime and the renewal of nationalist aspiration by some Albanian leaders.

The international intervention in 1999 was a temporary solution to this problem and created short-term conditions for a peaceful co-existence in the region. Thus the situation in the region remains fragile and the desired development after six years has not been achieved. In addition, a final decision about its status has not yet been made because of the complexity of the problem and its consequences for the region’s stability.

⁶ Paris, Roland, *At War’s End: Building Peace After Civil Conflict*, p. 16.

⁷ Holsti, p. 46.

⁸ *Ibid*, p. 47.

It is easily understandable that the development and democratization of Kosovo will help to implement a decision about its permanent status, or, in a more optimistic view, the development itself will drive it to a final status. It is useful to see what theory mentions about the reconstruction of societies after civil wars or wars generally, and about the identity of the main involved actors. Theory may also help to find a reliable solution for all residents independent of their ethnicity.

The application of reconstruction theory seems especially pertinent to Kosovo society after the significant events of the last two decades. Memories of the Milosevic era and the subsequent international intervention with bombings left deep marks in the minds of contemporary generations. The long-term goals in a reconstruction process are economic development, the creation of strong institutions, and the democratization of society, to provide the next generation with democratic rules, cooperation, and peace, and so that stability will return to the region. The short term should effect the peaceful coexistence of the different ethnicities, a sustainable security, and the creation of foundations for the development and democratization of Kosovo.

“Post-conflict reconstruction” is the term often used to describe the need “for the rebuilding of the socioeconomic framework of the society and the reconstruction of the enabling conditions for a functioning peacetime society to include the framework of governance and rule of law.”⁹

Kosovo, although [it] is not an independent state, has all these elements for the reconstruction of a weak or failed state. Independently from the decision about its final status, a developed a[nd] democratic Kosovo with respect [for] all ethnicities’ human rights will [more] easily be integrated in[to] the western structures. According to [the] “Democratic Peace” theory the democratization of society will help in the peaceful solution [of] differences, as democracies almost never fight each other.¹⁰

Weaknesses in sectors like security, the provision of basic services, and respect for human rights and civilian freedoms are signs of a weak state¹¹ and are often characteristic of a society immediately after a civil war. On the one hand, we should keep

⁹ Orr, Robert C. *Winning the Peace: An American Strategy for Post-Conflict Reconstruction*, p. 10.

¹⁰ Russett, Bruce. *Grasping the Democratic Peace*, p. 1.

¹¹ Eizenstat, Porter, and Weinstein, p. 136.

in mind that all post-conflict societies are not the same, and it is possible that the weight of each influential factor will differ from case to case. Factors such as culture or religion might create a big difference in solving the problem. Germany after the end of World War II is not the same as the case of Iraq today. There are four key sectors, or pillars, on which to focus the reconstruction effort of a society in a post-conflict environment:

- i) security
- ii) governance and participation
- iii) social and economic well-being and, finally,
- iv) justice and reconciliation.¹²

On the other hand, there are three factors that can disrupt the reconstruction process in a society that has just come out of a civil war:

- i) the remaining intense societal conflicts
- ii) a lack of “conflict dampeners,” including a belief in nonviolent solutions of disputes, and
- iii) the lack of effective governmental institutions.¹³

B. SECURITY

Security is the first priority in the post-conflict period because of the special conditions—a security vacuum and internal instability—that often exist during this period. Although all four pillars are very important for the reconstruction of a society, security is the foundation for the others. It means a condition of acceptable public safety, especially the establishment of an environment wherein citizens can conduct daily business free from violence or coercion directed at them by the government, organized crime, political organizations, or ethnic groups.¹⁴

Civilians may face new threats in the post-conflict period from criminals, former combatants, or ethnic groups. It is the state’s obligation to provide security by maintaining the monopoly of the use of force. A possible incapability of the state to provide security creates a “security vacuum” which will prevent any implementation of a peace agreement and the necessary economic activities of everyday life. Moreover,

¹² Orr, p. 11.

¹³ Paris, p. 168.

¹⁴ Ibid, p. 40.

political actions like the holding of elections and the establishment of a democratic system with political accountability are extremely difficult, if not impossible.¹⁵

Security reforms are important for the prevention of violence after the end of the conflict. The main characteristics of a post-conflict society are the following: the presence of paramilitary forces, armed opposition, plenty of small arms, security forces with a political role, human rights abuses, and a lack of transparency in security affairs.¹⁶

There are two kinds of security: security against external threats and internal security, both of which are critical in post-conflict periods because they define not only a society's present, but also its future. These two security dimensions create the need for a military force (external and internal threats) and a police force (internal threats).¹⁷ We call the inability of a state to provide protection to its citizens against external or internal threats a "security gap": it leaves space for non-state actors (criminals, armed groups) to exploit the situation and the state for their own profit.¹⁸

There are two major challenges regarding internal security that often determine the course of the peace. First, the view of former combatants about their integration into a new post-conflict police or armed force. If they think their security is in danger, they may cause problems within these new forces and thus endanger the entire peace implementation. Second, the creation of such conditions in public security may allow the resurfacing of ethnic hatreds, putting the peace-building process in danger.¹⁹

These challenges create a need for a disarmament, demobilization, and reintegration process. This three-stage process has as its basic goal the neutralization of former combatants in a way that ensures they will not be a danger to society, but rather, they will help in the establishment of peace and order. Failure in this effort will have long- and short-term consequences for the reconstruction of the society. The failure to reintegrate former combatants puts the society in danger because the existence of

¹⁵ Spear, Joanna. *Ending of Civil Wars: Disarmament and Demobilization*, p. 141.

¹⁶ Ball, Nicole, *Ending of Civil Wars: The Challenge of Rebuilding War-Torn Societies*, p. 721.

¹⁷ Orr, p. 43.

¹⁸ Eizenstat, Porter, and Weinstein, p. 136.

¹⁹ Call, T. Charles and Stanley, William. *Ending of Civil Wars: Civilian Security*, p. 311.

demobilized people creates new sources of potential danger and disorder.²⁰ A feeling of security is necessary in the post-conflict period for life to return to its everyday routine. People need to know that they can conduct their everyday activities without the danger of loss of life or property.

The main problem is that a state during the post-conflict period probably lacks the capacity itself to reintegrate everyone into society and begin reconstruction. Thus, such countries often need external help and foreign intervention to reduce the length of the fragile transitioning period and facilitate reconstruction. The international force must be able to face all the security challenges and, furthermore, to help in the creation of all the institutions necessary to take over management of the state after the transitioning period.

The “Institutionalization Before Liberalization (IBL)” strategy is an approach that uses a combination of cooperation among civilians and military forces for the establishment of security and the creation of institutions to provide basic social services before a liberalization process can begin.²¹

C. GOVERNANCE AND PARTICIPATION

The next step in the reconstruction process is the establishment of government even though security may be not entirely achieved. This fact causes some to believe that governance is more important than security in the reconstruction effort. But the IBL strategy makes clear that strong democratic institutions are essential for further liberalization of the society.

According to the United Nations Development Program (UNDP), “Governance is the exercise of economic, political, and administrative authority to manage the country’s affairs at all levels and the means by which states promote social cohesion, integration, and ensure the well-being of their populations. It embraces all methods used to distribute power and manage public resources and the organizations that shape government and the execution of policy.”²²

²⁰ Orr, p. 50.

²¹ Paris, p. 187.

²² Organization for Economic Cooperation and Development. Conflict, Peace, and Development Cooperation on the Threshold of the 21st Century.

Crisis in governance in a weak state not only puts the state in danger, but also creates new sources of regional or, even worse, global threats and instability. Elements such as weak political and administrative institutions, a great competition for power, the limited legitimacy and acceptance of political leaders, disagreement about the future direction of the country, and a nonparticipatory political system often characterize political life in a post-conflict society.²³ Developed countries must have a plan for facing such situations. The ultimate goal is the development of the state and the integration of structures that will help it to avoid these kinds of danger, but they must also plan how to cope with the society's immediate needs.

The major challenge for developing or reconstructing states is the creation of strong institutions. As Fukuyama suggests, though scholars know a lot about state-building, the transfer of successful institutions to weak or failed states is a sector that needs a lot of exploration.²⁴ The main role of a state is the provision of basic services to its citizens. The failure to provide these services results in a “capacity gap” and the loss of citizens’ trust. Consequently, this situation leads to internal problems and, eventually, to the “security gap” mentioned earlier.²⁵ Weak states are the basis for many of the contemporary world’s problems, such as terrorism, poverty, and AIDS.²⁶

Both international supervision and local government are critical factors in the overall reconstruction process. Cooperation between them will create an effective government in a relatively short time.

International aid is necessary in this effort for training and supporting effective self-government after the end of a conflict. The achievement of the local government’s goals—such as improvement of its capabilities, broad citizen participation, representation of all ethnicities in both the government and the reconstruction processes, and, finally, the achievement of legitimacy—must be the main effort of international help.²⁷ This task is

²³ Ball, p. 721.

²⁴ Fukuyama, Francis, *State Building*, p. ix.

²⁵ Eizenstat, Porter, and Weinstein, p. 136.

²⁶ Fukuyama, Francis, *State Building*, p. ix.

²⁷ Orr, p. 58.

not easy, especially in a destroyed society in which the conflict may have occurred because of the very lack of all these characteristics and experience in these sectors.

Although there are no set rules for the organization of public administration, there are some lessons that can be learned from the United States' experience and involvement in similar kinds of missions.²⁸ Some lessons are:

- i) Money cannot buy effective governance. Successful governance requires the state's provision of services to its citizens, transparency in its governing and decision-making procedures, and the guarantee for its citizens of basic human rights.
- ii) Smart strategies are needed for approaching local elites. A combination of incentives and sanctions is very effective in this direction, but simultaneous efforts must be focused on the broad participation of the population in the political and economic processes.
- iii) All decisions for the implementation of short-term measures must be made very carefully, because these may have implications for long-term measures.
- iv) The intervention of an international factor must be carefully determined and well planned for the achievement of the desired end state. In cases where international intervention was ill-prepared and with limited means, the result was worse than what existed before it.

Local actors are as important as the international, although they have been underestimated in many cases. They can be not only local officials but also civil-society organizations. Local civil-society organizations (CSO's) can have a critical role in peace implementation and, consequently, in the governance and participation of citizens in the political process. CSOs can better understand the post-conflict situation, know the special local conditions concerning religion and culture, and can help in the development of links between the state and local communities.²⁹ There are also cases, however, in which CSOs

²⁸ Eizenstat, Porter, and Weinstein, p. 138.

²⁹ Predergast, John, and Plumb, Emily. Ending of Civil Wars: Building Local Capacity: From Implementation to Peacebuilding, p. 329.

played a negative role in building that link, creating competition and suspicion and thus increasing the prejudice against them due to opposing interests.

Successful governance must develop and strengthen all the necessary democratic structures and processes that will foster participation by the greatest possible part of the population in political processes and, consequently, in the democratization of the society. This will result in a two-way relationship and influence between the government and the governed.

One dimension of governance is from the top down. Government must have the ability to provide, protect, and preserve security, democracy, economic and social prosperity, and justice in society. Governments in transitioning periods like that of post-conflict have another critical task: the creation or strengthening of institutions for the executive and legislative branches that will help in the good operation of the future state.

Another dimension of governance is from the bottom up. This is a process by which citizens' views and opinions are heard by the government through its democratic processes and mechanisms.³⁰ The process also encourages the participation and representation of all opposing views. That participation is important for a democratic system because the basis of democracy is that the government receives its legitimacy from the people. In cases where a part of society does not participate in the governing process, there is either no democracy or it is not fully consolidated yet. The task of creating or strengthening democratic institutions is a big challenge, especially in societies where there was no democratic experience before and people are not used to democratic processes. Another factor that makes this task difficult is the existence of multi-ethnic groups and of minorities whose representation and participation is necessary in a democratic political process. Otherwise, the state faces the danger of creating secessionist tensions.

³⁰ Orr, p. 60.

A declaration of elections is the first step to democracy; it facilitates the transition to democracy and the creation of a logic of nonviolent solutions to problems. On the other hand, there are many other things that are needed for the consolidation of democracy in addition to elections.³¹

D. SOCIAL AND ECONOMIC WELL-BEING

The third pillar of reconstruction is a direct result of the second, governance. Everyone assumes that good governance results in the well-being of the social and economic sectors. The challenge is how a new government can manage and balance external economic help and internal social conditions and tensions for the improvement of economic conditions in a place much destroyed and devastated by a conflict that occurred because of the weakness of the state.³² In societies with extensive damage to their economic and social infrastructures, unsustainably high defense budgets, environmental degradation, a weakened social fabric, and destruction of human resources, conflicts about ownership are common phenomena.³³ In such situations, the necessary good governance is a separate challenge that demands a lot of effort and is difficult to achieve.

In those cases there are established measures and practices for starting the process from conflict destruction to redevelopment:

- i) establishing a legal regulatory framework that will support the basic macroeconomic needs
- ii) effective management of natural resource components of many conflicts
- iii) engagement of the private sector
- iv) jump-starting international trade
- v) establishing basic education services, and
- vi) combating HIV/AIDS.³⁴

Those are long-term measures for the transition to development, but the process also requires short-term measures for the immediate relief of residents from the conflict's

³¹ Lyons, Terrence. *Ending of Civil Wars: The Role of Postsettlement Elections*, p. 230.

³² Baker, Pauline, and Weller, Angeli. *An Analytical Model of Internal Conflict and State Collapse: The Internal Conflict Is a Pathology of a State*, The Fund for Peace, 1998, p. 12.

³³ Ball, p. 721.

³⁴ Orr, p. 74.

consequences, such as a demobilization of ex-combatants, the establishment of security forces under civilian control, and reform of the political and judicial systems. The effort to create a plan for economic recovery must be made by the international factor. The society must cover all short- and long-term demands, but sometimes donors' priorities differ from those of the devastated society.³⁵ A combination of humanitarian relief programs and plans for long-term development is the best approach to reconstruction of such a society.³⁶ It is very difficult for a local government to face all these challenges at the same time, especially when there are threats for the residents which have not yet been faced. The difficulties for efficient governance during the first period immediately after the end of war are tremendous, and this makes achieving economic recovery and social well-being even more difficult. For this reason, the commitment of the international factor in reconstruction is essential to the reduction of poverty and economic improvement.

Achievement of all these goals depends on three parameters that international donors must recognize: a) the type of help that is needed, b) to whom this help should be given, and c) with what conditions.³⁷

The type of help depends on three factors/dilemmas that are relative to the timetable of help and the goals of help:

- i) timely implementation versus capacity building,
- ii) current expenditure versus capacity building, and
- iii) elite pacification versus egalitarian growth.

The issue of the final destination of aid is critical and requires that international donors know and understand the balance of powers in the post-conflict society. If aid goes to the wrong hands, it may create new tensions instead of peace and the failure of the reconstruction process.

³⁵ Boyce, K. James. *Beyond Good Intentions: External Assistance and Peace Building*, p. 369.

³⁶ Orr, p. 85.

³⁷ Boyce, p. 369.

Other parameters that donors must keep in mind are the current conditions in the society and the long-term task of democratization of the population. There are three ways to help in the achievement of this goal:

- i) financing and strengthening the democratic institutions,
- ii) providing assistance in the mobilization of domestic resources, and
- iii) ensuring that the economic gains from the above mobilization will be used for the reduction of inequalities in the society.

The conditions under which aid is given must also support the goals of the society's reconstruction. In regard to its macroeconomic policy, there are, again, short- and long-run goals. The former is macroeconomic stabilization. The latter involves appropriate adjustments in the economic structure for the development of the society, peace-building, and consolidation of a democracy.

In Kosovo in the second half of the 1990s, international donors initiated efforts to improve the results of financing activities in the peace-implementation process. They added new economic instruments for elections and police reform, in addition to efforts for more flexible IMF restrictions. But results were not as desired. As J. Boyce and M. Pastor write, "unless the peace process is allowed to reshape economic policy, both will fail."³⁸ Rethinking and a collaborative redesign of the political and economic aspects are necessary for an effective peace strategy. This could come from lessons learned from previous peace missions, which included:

- i) Impact assessments,
- ii) Institution-building and strengthening of the public sector,
- iii) Emphasis on employment from the early stages of the reconstruction process,
- iv) Use of political influence of sovereign lending on the peace process, and
- v) Recognizing the economic distortions introduced by the international presence.³⁹

³⁸ Krisna, Kumar, ed. *Rebuilding Societies after Civil War: Critical Roles for International Assistance*, p. 287.

³⁹ Woodward, Susan. *Ending of Civil Wars: Economic Priorities for Successful Peace Implementations*, p. 199.

International aid must be focused in measures for jump-starting the domestic economy and the restoration of social capital, thereby avoiding the danger of starting new conflicts. Tasks such as poverty reduction, human security, and the strengthening of democratic institutions will help to promote economic growth and the spread of democracy to places where different kinds of threats (nationalism, religious, or criminals) may endanger regional stability.⁴⁰

E. JUSTICE AND RECONCILIATION

The establishment of the rule of law in a society that has just come out of a war is a very important part of the reconstruction process. The last but not least pillar of reconstruction is justice and reconciliation. It is critical for the success of all the other pillars because, if this aspect fails, the entire process is in danger. It is very difficult to convince people to live together and forget or reconcile with others with whom they were fighting. Probably each one has killed relatives or friends of the other.

The importance of establishing the rule of law prevails in these comments: “As in Bosnia, so in Iraq, everything depends on the early establishment of the rule of law: A functioning economy, a free and fair political system, the development of civil society, public confidence in police and courts. The process is sequential ... In Bosnia and Kosovo we paid a bitter price for not establishing the rule of law early. It is not a mistake we should repeat in Baghdad.”⁴¹

There are four critical activities in post-conflict reconstruction that must take place in society for the imposition of justice:

- i) The establishment of emergency justice measures by international actors for filling the “justice gap” until the development of domestic processes and institutions are able to take over,
- ii) Efforts for the establishment of a long-term indigenous judicial system,
- iii) Development and establishment of mechanisms (international and domestic) for addressing injustices and atrocities from the past, and

⁴⁰ Orr, p. 85.

⁴¹ Ashdown, Paddy, High Representative for Bosnia and Hercegovina, 22 Apr 2003.

- iv) Establishment of pre-deployment enablers which should be in place in advance to facilitate a rapid and effective international response.⁴²

These activities aim at six key sectors of justice and reconciliation: a) effective law-enforcement instruments, responsive to civilian authorities and respectful of human rights, b) an impartial, open, and accountable judicial system, c) a fair constitution and body of law, d) mechanisms for monitoring and upholding human rights, e) a humane correction system, and f) formal and informal reconciliation systems for dealing with past abuses and for resolving grievances arising from the conflict.⁴³

Although justice and reconciliation are different, almost opposite, they serve the same purpose. Both address past and current injustices and wrongdoings. The achievement of a peaceful future and the credibility of and respect for a new government in a society that has just come out of war and its democratization can be reached only by successfully addressing justice and reconciliation. In practice two basic questions are raised:⁴⁴

First, what should be done with people who have committed crimes during the conflict period? There two schools of thought. One believes that criminals must be punished, for two reasons: The deterrence of future crimes and as psychological support for victims. Victim and perpetrator are not able to live together until the crimes are published and justice is imposed on the perpetrators. Another school believes an opposing argument which is the need to forget all the things and events that divided the two communities.

Second, what can be done? This is the practical answer to the first question and lies somewhere in the middle of the opinions mentioned above, because there are great difficulties in the imposition of justice.

There is always a danger of igniting greater violence if the justice program touches important members of either side. If a settlement is the result of negotiations, then it is most probable that the leaders of both sides have already guaranteed immunity

⁴² Orr, p. 91.

⁴³ Orr, p. 90.

⁴⁴ Licklider, Roy. Obstacles to Peace Settlements, p. 711.

for themselves and their supporters.⁴⁵ There are cases where the number of people involved in crimes is so big that it is impossible for the judicial system to handle all the cases, as happened in the Rwanda genocide.

As is the case with economic well-being, the involvement of the international factor is also important in the development of a trustworthy justice system. The absence of a consistent justice system and sufficient mechanisms for reconciliation put in danger the entire reconstruction process.⁴⁶ The basis for these must be domestic laws, practices, and institutions. The strengthening and training of local actors for building a reliable justice system and respect for human rights must be the first priority of international aid. This task has many times ended in failure because of the inability of international organizations to apply different policies than those they apply in stable societies.⁴⁷

The desired task of peace, with respect to human rights, in a post-conflict society demands well-planned actions to balance the different tensions. However, the international community is not a single actor. Although everyone may agree with the general goal, there are many differences in the details of an implementation of a specific program.⁴⁸

First, the international actors must compromise the objectively desired elements of peace implementation with the intentions of the different parties that will take part in peace implementation. Second, they must find a balance between the desired goals and the limited resources provided. Third, international actors must balance the tension between their oversight role and the demands of effective peace-building. Finally, human-rights actors must balance the needs of a fragile post-conflict society and their reactions to possible violations of human rights, using tactics that are used in stable states.⁴⁹

⁴⁵ Licklider, Roy. *Obstacles to Peace Settlements*, p. 712.

⁴⁶ Licklider, p. 93.

⁴⁷ Putnam, Tonya L. *Ending of Civil Wars: Human Rights and Sustainable Peace*, p. 237.

⁴⁸ Licklider, p. 714.

⁴⁹ *Ibid*, p. 260.

F. CONCLUSION

In conclusion, a society destroyed by a war needs both short- and long-term measures for the reconstruction of its basic sectors. Although this theory is well known, its application is difficult because of the need of coordination and implementation of so many activities in the various sectors of security, governance, the economy, and justice. Other factors that must be taken into consideration are the environment and the existing conditions in the area that make the entire project more difficult.

The role of the international factor is critical because, in the first steps of a society toward a more peaceful and democratized route, there are many traps. Many domestic actors will have lost their privileges and are potential threats in the course of reconstruction. Only the devoted guidance of experienced countries will help the post-conflict society be integrated into Western structures and lead it to democracy and development. Coordination among all the international actors is very important. According to Karin von Hippel, there are five actors that need to be coordinated: donor governments, militaries, multilateral organizations, the private sector, and nongovernmental organizations.⁵⁰

The four pillars of reconstruction are the critical sectors on which the local and international actors need to be focused for the most rapid possible reconstruction of the society and creation of conditions for peace, justice, and development. The challenge demands an enormous amount of effort, budget, coordination, and time for a satisfactory result. Most of the data till now shows that there are more cases of failure than of success, a fact that proves the difficulties of such ventures.

⁵⁰ Licklider, p. 714.

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III. PRESENT SITUATION IN KOSOVO

A. BRIEF HISTORY

The Kosovo issue is a matter of perspective concerning the relationship between nationalism and statehood. Its history reflects centuries of conflicting ethnic myths and nationalist aspirations. The catalyst in this process was the modern idea that every state must be homogeneous.⁵¹ In Europe, nations existed long before the creation of states. The basic component of the doctrine of self-determination is that states must be based on nations.⁵² The nation-state is the main idea today in the international system. Although there have been efforts for alternative ideas, like communism's transnational brotherhood or the race of Nazism, none of them has challenged successfully the idea of the Westphalian state.⁵³ The idea of national self-determination provides legitimacy to the dominance of the nation-state as the universal political form. This idea has created a demand for independence by many ethnic groups and caused the creation of more than 140 new states since 1945.⁵⁴ The idea of self-determination has changed from a political preference to a human right⁵⁵ and the idea that the self-ruling state is the "natural" political organization. In the Balkans, where there are many nations and the borders include many ethnic minorities, aspirations were raised for the creation of Greater Croatia, Greater Albania, and Serbia.

M. Djilas wrote: "wipe away Kosovo from the Serb mind and soul and we are no more. If there had been no battle at Kosovo, the Serbs would have invented it for its suffering and heroism." Kosovo is a Serbian province with great importance for both Serbs and Albanians. The battle of Kosova Polje (the Field of Blackbirds) in 1389, in which the Serbs were defeated by the Ottomans, gave Kosovo special meaning for Serbs, who saw it as the birthplace of the Serb nation. The region also has economic importance

⁵¹ Paxton, Robert. *Europe in the Twentieth Century*, p. 668.

⁵² Holsti, p. 52.

⁵³ *Ibid*, p. 50.

⁵⁴ *Ibid*, p. 54.

⁵⁵ *Ibid*, p. 52.

as it is rich in various minerals.⁵⁶ Finally, it has strategic importance for Serbia because of its mountains border with Albania which, in case of conflict, forms a natural barrier between the two countries.

However, Kosovo is also important to the Albanians. The Albanian national movement was born there in 1878,⁵⁷ and, for that reason, it is considered the center of Albanian nationalism.⁵⁸

The population in Kosovo, according to the 1991 census, consists of Albanians (82.2%), Serbs (9.9%), Montenegrins (1%), Gypsies (Roma 2.2%), Muslims (2.9%), and other minorities (1.6%).⁵⁹

After the First World War about half a million Albanians were forcibly incorporated into the Kingdom of Serbs, Croats, and Slovenes. Since then, there have been eight phases in the relations between Serbs and Albanians in Kosovo:⁶⁰

- i) 1918–1941: The Albanian minority had no rights and an imported Serbian elite governed the region.
- ii) 1941–1945: Under Italian rule, part of Kosovo was united with Albania. Because of the collaboration of Albanians with Germans and Italians in Kosovo, they were opposed by a Slav resistance.
- iii) 1945–1966: There was an improvement in relations between the two communities and, from the armed conflict, they tried to find a political resolution.
- iv) 1967–1981: The rights of Albanians were acknowledged and respected. In 1974 the government of former Yugoslavia recognized Kosovo as a province with autonomous status.

⁵⁶ Smith, M.A.. Kosovo: Background and Chronology: In the region there are 50% of all known nickel deposits of Former Yugoslavia, 48% of lead and zinc, 47% of magnesium, 36% of lignite, and 32,4% of kaolin deposits.

⁵⁷ Babuna, Aydin. The Albanians of Kosovo and Macedonia: Ethnic identity superseding. Albanians were the last nation in the Balkans to develop the sense of nationalism, which was marked by the establishment of the Prizren League in 1878, Nationalities Papers, Abigdon: Mar 2000, Vol. 28, Iss. 1, p. 67.

⁵⁸ Smith, p. 1.

⁵⁹ Judah, Tim. The Serbs: History, Myth, and the Destruction of Yugoslavia, Appendix 5: Population of Kosovo 1948–91, p. 345.

⁶⁰ Ibid, p. 2.

- v) 1981–1991: Albanian assertiveness resulted in the riots of 1981 and 1982. Serbia sought to re-establish its domination in Kosovo and Albanians responded by declaring the independence of the region.⁶¹
- vi) 1991–1995: The Serbs flooded Kosovo with security forces and the Albanians created a parallel state. Their leader, Rugova, supported the nonviolent resistance.
- vii) 1996–March 1999: An era of violent resistance against Serbian rule. Disappointed by the Dayton settlement, they initiated an armed struggle. They created an armed separatist group, the Kosovo Liberation Army (KLA), and began a guerrilla campaign for Kosovo’s independence.⁶² The Serb’s response was to begin the ethnic cleansing of Kosovo. The intervention of the international community by the Rambouillet Agreement was rejected by the Serbs. The consequence was NATO bombings.⁶³
- viii) March 1999–Today: The Serbian response to the bombings was the escalation of the ethnic-cleansing process. The result was a new wave of refugees into FYROM, Albania, and Montenegro.⁶⁴ After eleven weeks of bombings Milosevic agreed to withdraw Serbian Forces from Kosovo. United Nation Security Council Resolution 1244 decided the deployment of a peace-enforcement mission in Kosovo (UNMIK and KFOR).⁶⁵ Today Kosovo is a UN protectorate. Its final status has not been decided.

⁶¹ Report on Eastern Europe. On 2 July 1990 the Kosovo Assembly declared Kosovo’s equality in status to other Republics of Yugoslavia, 27 Jul 1990, p. 45.

⁶² Paris, p. 213.

⁶³ Peace Operations can be established in two ways: First, under Chapter VI of the UN Charter (after the negotiated consent of the parties), and second, under Chapter VII, which permits the overriding of a domestic jurisdiction (Article 2-7) without consent of local parties.

⁶⁴ Smith, M.A., p. 6.

⁶⁵ UN Security Council Resolution 1244: “Decides on the deployment in Kosovo, under United Nations auspices, of international civil and security presences, with appropriate equipment and personnel as required, and welcomes the agreement of the Federal Republic of Yugoslavia, to such presences.”

UNMIK (UN Mission in Kosovo) is the civilian part of the peacekeeping mission and KFOR (Kosovo Force) is the military NATO-led part of the mission.

B. SIX YEARS OF INTERNATIONAL ADMINISTRATION OF KOSOVO

The main points of Resolution 1244 were: a) the displacement of FRY sovereignty from Kosovo, b) its replacement by UN and NATO forces, c) the establishment of autonomy and democratic self-governance, d) facilitating a political process for the determination of Kosovo's final status, taking into account the Rambouillet records, and e) preparing the supervision of "the transfer of authority from Kosovo's provisional institutions to institutions established under the political settlement."⁶⁶

From the first moment of the deployment of international administrators, both UNMIK and KFOR were focused on establishing security, the construction of strong governmental institutions, and the establishment of a liberal process.⁶⁷ International officials were responsible for the basic administrative actions and the demilitarization of the Kosovo Liberation Army (KLA), so the region became a UN protectorate.⁶⁸ The special representative of the UN Secretary General assumed "all ... executive authority with respect to Kosovo," including the right to appoint or dismiss "any person to perform functions in the civil administration of Kosovo including judiciary." Under his supervision, civilian services were divided among the United Nations, the European Union, and the OSCE. The United Nations assumed jurisdiction over the public administration, the police, and judicial affairs. The OSCE has the task of creating new political institutions, training local administrators, and organizing elections. Finally, the European Union was responsible for the reconstruction of the physical infrastructure and the development of a market-based economy and a banking system.⁶⁹

Although the achievements of the UN administration and security forces were considerable and a lot of progress was made, it did not reach the desired level (as was

⁶⁶ UNSCR 1244.

⁶⁷ Robertson, Lord of Port Ellen. Kosovo One Year On: Achievements and Challenges indicated five main challenges for NATO: "Deterring renewed hostility and threats against Kosovo by Yugoslav and Serb forces, establishing secure environment and ensuring public safety and order, demilitarizing KLA, supporting the international humanitarian effort, and coordinating with and supporting the international civil presence, the UNMIK," 21 Mar 2000.

⁶⁸ Paris, p. 213.

⁶⁹ Ibid, p. 214.

evident in March 2004), because of many factors: slow deployment of the required forces, the lack of a democratic tradition, the society's condition since 1990, and the polarization of the society.⁷⁰

In reference to the sector of security, it was decided to deploy civil and security forces to supervise peace efforts, public safety, freedom of movement, and the safe return of refugees and displaced persons. Additionally, the United Nations demanded the withdrawal of all Serbian forces, the immediate end of violence, and the disarmament and demilitarization of the KLA and the remaining Albanian groups. Moreover, an agreement was reached for the return of a certain number of Serb military and police after the completion of withdrawal of the Serb forces.⁷¹

In practice, the security task was much more difficult, with poor results, especially in the first year. In his report of June 6, 2000, Secretary General Annan noted that: "The general security situation in Kosovo has not changed significantly. Members of minority communities continued to be victims of intimidation, assaults, and threats throughout Kosovo."⁷² Before the war, approximately 200,000 Serbs lived in Kosovo. In the summer of 1999, only half were left. The situation remained insecure for all minorities, and the future for a multiethnic society does not permit great expectations.⁷³ Another factor that aggravated this situation was the slow development of international policemen. In June 2000, a speedy deployment of 3,000 policemen was expected for the first two months that KFOR was responsible for law enforcement. In August 2000, the first policemen arrived, and it took four months for the deployment of 1,400 policemen. A year after the end of bombing, only 77 percent of the authorized strength had been deployed.⁷⁴ The deployment of all the policemen was a great challenge: many countries sent unprepared or ill-equipped policemen; the constitution of some countries did not allow such deployment.

⁷⁰ Pekmez, Juan. *The Intervention by the International Community and the Rehabilitation of Kosovo*, p. 20.

⁷¹ UNSCR 1244, para 4, p. 2.

⁷² Report of the Secretary General on the United Nations Interim Administration in Kosovo, 6 Jun 2000.

⁷³ The Independent International Commission on Kosovo, *The Kosovo Report*, p. 110.

⁷⁴ *Ibid*, p. 111.

The demilitarization of the Kosovo Liberation Army proved an easier task for UNMIK because the transformation of the KLA to the Kosovo Protection Corps (KPC), an unarmed civil relief organization,⁷⁵ helped individual KLA members join a civil agency. That task was completed by September 1999. A demobilization of opposing soldiers and their integration into civil society is a most important goal in the peace implementation process.⁷⁶ But the process has a downside, as was evident in the March 2004 events. According to reports, some members of the KPC did not protect the threatened people, especially Serbs.

In governance and participation, a special representative of the Secretary General was appointed to control the implementation of the international civil presence in order to satisfy the provision of an interim autonomous administration. He has the power to appoint or dismiss Albanians officials and to decide about the appliance of laws. The long-term goal is the creation of democratic institutions with representation of all minorities. This is intended to guarantee a peaceful life and coexistence for all people in Kosovo. Failure to achieve this goal could create another weak or failed state in Europe with serious consequences for the Balkans' stability. And the loss of legitimacy of Kosovo's self-government for part of its society might well create the same problems as those in the former Yugoslavia. Kosovo's Serbs boycotted the recent elections, denying recognition of the elected government. This possibility magnifies the importance of participation by all minorities in the political process. It is for that reason that the Institute for Civil Administration was created for the training of personnel in the public sector. The Kosovo Transition Council has a consultative and advisory role in the long-term task of improving the peace-making process.

The passing of all judicial and legislative authorities to the special representative of the UN Secretary General (SRSG) gave him the power to dismantle the parallel structures of self-government that were established by the KLA, not an easy as the UNMIK was understaffed in the beginning and the KLA structures had deep roots.⁷⁷

⁷⁵ North Atlantic Treaty Organization. Last accessed 14 Mar 2005, from <http://www.nato.int/kfor/kfor/objectives.htm>

⁷⁶ Stedman, Stephen J. *Turbulent Peace: International Implementation of Peace Agreements in Civil War*, p. 746.

⁷⁷ *Ibid*, p. 115.

The creation of a Joint Interim Administrative Structure (JIAS) in January 2000 was a first step toward sharing responsibilities in the provisional administration with representatives from all spectrums of society.⁷⁸ The JIAS is divided into three political structures at the provincial level:

- i) The Interim Administrative Council (IAC): an executive board that acts as the highest decision-making body. The SRSG is the chief executive, with four UNMIK and four local members on the council.
- ii) Twenty administrative departments, referred to as ministries, ranging from justice to civil security, are co-run by UNMIK and local officials.
- iii) A new governmental system under which the municipal elections in October 2000 were conducted.

The elections helped in the transformation of former paramilitary organizations into legitimate political parties. In this way the international community integrated the paramilitary organizations into the political process and demonstrated the logic of nonviolent solutions to problems.⁷⁹ The OSCE mission in Kosovo (OMIK) has conducted four elections since 1999: the Municipal Assembly in 2000 and 2002 and the Kosovo Assembly in 2001 and 2004. The last elections, in October 2004, were critical because the responsibility for their conduction was handed over to domestic election-management institutions.

Although the UN Security Council Resolution 1244 in 1999 called for the creation of a constitutional framework for Kosovo's governance, it was May 2001 when UNMIK finally promulgated it.⁸⁰ The Provisional Institutions of Self-Government (PISG) were elected in November 2001. The PISG has 120 seats: election by popular vote fills 100 seats, 10 seats are reserved for Serb representatives, and 10 seats are for representatives of other minority groups, including Roma, Ashkalia, Turks, Goranis, Egyptians, and Bosnians.⁸¹ It governs according to the principles of UNSCR 1244 and

⁷⁸ Stedman, p. 115.

⁷⁹ Williams, Paul. *The Road to Resolving the Conflict over Kosovo's Final Status*, p. 414.

⁸⁰ *Ibid*, p. 416.

⁸¹ Military Review. *Kosovo Present and Future*, Nov–Dec 2003.

the Constitutional Framework,⁸² a document that gives the PISG substantial autonomy. UNMIK has the right to make decisions in issues pertaining to the economy, law enforcement and security, foreign affairs, and the return of displaced people. During 2003 many responsibilities were transferred to the PISG, but UNMIK kept power over issues of state sovereignty, justice, security, and foreign affairs.⁸³

The “Institutionalization Before Liberalization” (IBL) strategy is an approach to the reconstruction of governance which facilitates the development of a society. It is an improved version of the rapid-liberalization strategy used in the early 1990s. It has the same goals for achieving liberalization, but uses a more controlled liberalization process combined with the simultaneous development of institutions capable of dealing with the destabilizing factors of society.⁸⁴ The international community chose a “standards before status” policy, a kind of “institutionalization before liberalization” strategy that forces the Provisional Institutions for Self-Government to achieve certain standards before making the final decision about Kosovo’s status.⁸⁵ Another option was a “status with standards” policy by which the political process would be advanced while at the same time implementing standards. The “standards before status” policy was chosen as most appropriate for the development of Kosovo,⁸⁶ and was reaffirmed in a meeting of the UN Security Council after the violent events of last March.⁸⁷ The plan outlining “Standards for Kosovo”⁸⁸ had been created and presented by UNMIK on 10 December 2003 in Pristine and was subsequently endorsed by the Security Council in its statement of 12 December. This plan remains the desired target of Kosovo society. In it are set out the appropriate standards for every aspect of life that is necessary for the recovery of a war-torn society. The sectors included are: a) functioning democratic institutions b) the rule of

⁸² UNMIK/PR/1078. Standards for Kosovo. 10 Dec 2003.

⁸³ U.S. Department of State. Kosovo. Last accessed 14 Mar 2005, from <http://www.state.gov/p/eur/ci/yi/c13101.htm>

⁸⁴ Paris, p. 211.

⁸⁵ Ibid. In October 2002 the SRSG laid down a policy of “Standards before Status” by which Kosovo is to implement a set of eight standards covering democratic governance, rights of minorities, and market economy reform, before final status will be decided.

⁸⁶ Report of the Security Council Mission on the implementation of Security Council resolution 1244, S/2002/1376, p. 15.

⁸⁷ SC/PR/8164, 5 Aug 2004.

⁸⁸ UNMIK/PR/1078.

law, c) freedom of movement, d) the sustainable return and the rights of communities and their members, e) the economy, f) property rights, g) dialogue, and h) the Kosovo Protection Corps. These aspects comprise the more detailed sectors of the four pillars of reconstruction of a post-conflict society.

The violent events of March 2004 affected the whole reconstruction process. Physical infrastructure was destroyed, a new wave of displaced people created, some media proved irresponsible, the international and domestic security forces failed in their mission, and the ethnic Albanian leadership had a very weak response to the violence. One direct consequence was the Serbian boycotting of Kosovo Assembly elections in October 2004, as had been feared, and their refusal to recognize the elected government as the legitimate government of the region. The elections were critical for the future of democracy in Kosovo as the responsibility for their conduct was handed over to domestic election-management institutions.⁸⁹

Another setback in governance was the election of an ex-KLA leader, Ramush Haradinaj, as Kosovo's Prime Minister,⁹⁰ a factor that did not support the participation of all minorities in the political process. Moreover, that choice will not help the Provisional Institutions of Self-Government prove that they are trying to create a peaceful multi-ethnic society.⁹¹

To promote economic and social well-being, it was decided to provide humanitarian relief for the residents, to create the necessary support infrastructure, and to promote respect for human rights, the return of all displaced people, and the initiatives of

⁸⁹ Organization for Security and Co-Operation in Europe. Last accessed 14 Mar 2005, from <http://www.osce.org/kosovo/elections/>

⁹⁰ "Ramush Haradinaj, a former guerrilla leader, was questioned by the International Criminal Tribunal for the Former Yugoslavia only a couple of weeks before he was picked to lead Kosovo's government, and he may soon be indicted for war crimes." "A Poor Choice in Kosovo," *The New York Times*, 24 Dec 2004.

⁹¹ Ibid, "The United Nations may have been unduly optimistic on the future of the Kosovo talks. But if there is to be any chance of bringing the Albanians and Serbs together, both the Kosovars and the United Nations have to understand that putting people like Mr. Haradinaj forward as their leaders only sets the clock back."

the EU (with the implementation of a Stability Pact for South Eastern Europe)⁹² and other international organizations to develop economic activities in the region for economic prosperity and stability.

When the UN arrived in Kosovo they found: “Empty streets. Shattered shops, no water, no work ... Murders in open streets. Dead bodies and piles of garbage.... No one in charge.”⁹³ Since June 1999, there has been great improvement in these areas as the physical infrastructure has been repaired, postal service restored, schools repaired, and well-equipped agricultural activities restarted. But much more must be done. The uncertainty in Kosovo’s political status discourages international investment, so the economy remains underdeveloped. Unemployment remains at a high level (about 50 percent, the highest in Europe), corruption and the black market are flourishing. Most of the young people want to leave the region. Their only alternative is to stay and follow the nationalistic road of their parents.⁹⁴ Peace in the region depends on economic prosperity. For that reason, international funds and a UN reconstruction effort are needed. This is another significant factor that must be taken into consideration in the decision of Kosovo’s final status.

Finally, in the areas of justice and reconciliation, it was decided to allow the return of all refugees and displaced people and create a multi-ethnic society. Most of the refugees from Serb operations returned after the arrival of KFOR, but the Serb refugees who left with the Serbian forces remain in Serbia and Montenegro. The UN Special Representative, Bernard Kouchner, reported in July 2000, one year after the end of the bombings: “[they] still hate one another deeply ... To make peace takes generations, a

⁹² Stability Pact for South Eastern Europe. “On 10 June 1999, at the EU’s initiative, the Stability Pact for South Eastern Europe was adopted in Cologne. In the founding document, more than 40 partner countries and organisations undertook to strengthen the countries of South Eastern Europe ‘in their efforts to foster peace, democracy, respect for human rights, and economic prosperity in order to achieve stability in the whole region.’ Euro-Atlantic integration was promised to all the countries in the region. At a summit meeting in Sarajevo on 30 July 1999, the Pact was reaffirmed.” Last accessed 14 Mar 2005, from <http://www.stabilitypact.org>

⁹³ Report of the Secretary General on the United Nations Interim Administration in Kosovo, 6 June 2000.

⁹⁴ Joseph, Edward. “Back to the Balkans.” *Foreign Affairs*, Jan/Feb 2005, p. 115.

deep movement and a change of a spirit.”⁹⁵ The violent events of March 2004 proved that fulfilling the vision of a multi-ethnic society needs much effort and has a long way to go.

The establishment of a judicial administration was also one of the great challenges for UNMIK. The increase of both ordinary crimes and war crimes was a great obstacle for the judicial process, although by February 2000 more than 400 judges and prosecutors had been sworn in. The appointment of foreign judges was slower and in September 2000 only six judges and two prosecutors had been deployed. The judicial system had also to face the problem of which laws to apply. Resolution 1244 does not specify the law that should be applied in the region. In the beginning UNMIK applied the Serbian law, but after protests from Kosovar Albanians, UNMIK applied the law that existed before 1989.⁹⁶

The violence of March 2004 and the election as Prime Minister of an ex-leader of the KLA, Ramush Haradinaj, proved that reconciliation needs more time and effort from the Provisional Institutions of Self-Government and the entire society.

Every year a Security Council mission of UN officials visits Kosovo and reports the progress achieved by UNMIK and KFOR in the sectors of security, the return of refugees, reconciliation, and the institutionalization of the region.⁹⁷ The reports mention the progress of Kosovo society in all aspects of everyday life, but still, at the end of every report, it is mentioned that there is a long way to go to achieve the desired democratized society.

The violent events that suddenly erupted in March of 2004 were a great setback in the reconstruction process. At about 8 p.m. on March 15, unknown attackers fired from a car at an eighteen-year-old Serb, Jovica Ivic, in the Serb village of Caglavica on the outskirts of Pristina.⁹⁸ Serbs blockaded the main Pristina-Skopje highway, an economic lifeline for Kosovo. On March 16, 2004, the so-called “war associations”—three

⁹⁵ Kouchner, Bernard. “Aid Takes Stock of UN in Kosovo,” *New York Times*, 17 Jul 2000.

⁹⁶ The Independent International Commission on Kosovo, *The Kosovo Report*, p. 113.

⁹⁷ Reports of the Security Council Mission on the implementation of Security Council Resolution 1244, S/2000/363, S/2001/600, S/2002/1376, S/2004/613.

⁹⁸ Human Rights Watch. Last accessed 14 Mar 2005, from <http://www.hrw.org/reports/2004/kosovo0704/5.htm>

interconnected organizations representing the KLA's war veterans, KLA invalids, and the families of the missing—organized widespread demonstrations in almost every Albanian city in Kosovo to protest the arrest and detention of former KLA leaders on domestic and international war-crime charges.⁹⁹ On March 17, serious disorders occurred in Kosovo because of the combination of all the above events and the irresponsible role of some media which reported the drowning by Serbs of three young Albanians.¹⁰⁰ Security forces in Kosovo (UNMIK, KFOR, KPC) lost control of the situation for about forty-eight hours and were not able to protect the threatened population from the rage of the mob. The results of the violence were twenty dead and nearly 900 injured, and approximately 900 Serb, Ashkali, and Roma homes, and up to ten public buildings, thirty Serbian churches, and two monasteries damaged or destroyed. Roughly 4,500 people were displaced.¹⁰¹

The most worrying aspect of the violence was the ethnic Albanian leaders' attitude. Their weak response and the avoidance of condemnation of the violence constitute a sign that the reconciliation is not on a good route. Although some announcements that condemned the violence were made, none of them referred to Serbs. The response of Kosovo's President Ibrahim Rugova repeatedly failed to condemn attacks against Serbs and other minorities, and made only passive statements of concern about the stopping of violence.¹⁰² In his statement the following day he expressed his "deepest regret" for the wounding of a UNMIK police officer and KFOR soldiers, but made no mention of Serb victims.

The Kosovo Parliamentary Assembly's (the province's parliament and part of the PISG) response on the first day was suspension of its work. The Assembly remained

⁹⁹ Human Rights Watch. Last accessed 14 Mar 2005, from <http://www.hrw.org/reports/2004/kosovo0704/5.htm>

¹⁰⁰ "UN administrators had started a process for political liberalization and strengthening of institutions in the region under UN control. A strict policy about the media was implemented. A code of conduct was created for the journalists and the broadcasters. The production of material which could 'encourage crime or criminal activities or which carries imminent risk of causing harm, such as death or injury or damage to property or other violence' were prohibited." Paris, p. 213.

¹⁰¹ US Department of State. Kosovo. Last accessed 14 Mar 2005, from <http://www.state.gov/p/eur/ci/yi/c13101.htm>

¹⁰² Human Rights Watch. Last accessed 14 Mar 2005, from http://www.hrw.org/reports/2004/kosovo0704/8.htm#_ftnref180

passive and issued a public statement that blamed the international community and the Serbs for the violence: “The Kosovo Assembly voices its disagreement with the lack of commitment by UNMIK to provide security for all Kosovar citizens. The tolerance for Serb parallel structures and criminal gangs that murder Kosovar citizens is a wrong policy that will destabilize Kosovo.”¹⁰³

The Kosovo Democratic Party in its statement blamed Serbs and justified the use of violence as a means of differences’ solution: “Serbs are misusing the Albanians’ goodwill to create an equal society for all. They don’t want to integrate in Kosovar society. Proof of this is yesterday’s [children’s drowning] and today’s [Mitrovica violence] events. Their will has remained in the previous five years only for violence against Albanians. This can no longer be tolerated.”¹⁰⁴

On the other hand, there were some exceptions. Prime Minister Bajram Rexhepi went personally to Caglavica, accompanied by several other ethnic Albanian leaders, and convinced the crowd to go home within minutes, after promising that the Serb roadblock would be removed. Rexhepi had also gone to Mitrovica on March 17 in an attempt to calm the situation, with less success. In Decani on March 18, the municipality head, Ibrahim Selmanaj, and the head of the local branch of the KLA Veterans Association, Avdyl Mushkolaj, personally stopped a crowd that was moving toward the historic Decani Monastery, intending to burn it down.¹⁰⁵

UNMIK and KFOR also proved incapable of stopping or protecting the minorities in these events.¹⁰⁶ Moreover, the response of international actors was to increase the

¹⁰³ Koha, Ditore, “Assembly Members Stop Their Work; Accuse Internationals of Violence,” reproduced in UNMIK Media Monitoring: Local Media, 18 Mar.

¹⁰⁴ Human Rights Watch. Last accessed 14 Mar 2005, from http://www.hrw.org/reports/2004/kosovo0704/8.htm#_ftnref180

¹⁰⁵ Human Rights Watch interview with Father Sava, Decani Monastery, 11 Apr 2004.

¹⁰⁶ Human Rights Watch, “Adam Thomson, the U.K. representative at the U.N. Security Council, responded by congratulating UNMIK and KFOR for ‘restoring calm’ in Kosovo. Such uncritical, self-congratulatory rhetoric ignores the reality of UNMIK and KFOR’s failures, and the urgency with which these shortcomings need to be addressed in order to prevent a repeat of the March 2004 events.” Last accessed 14 Mar 2005, from <http://www.hrw.org>

presence of the Contact Group in the region. Its representatives, beginning in April 2004, met every six weeks in Pristine to monitor the situation and make clear their support for UNMIK and KFOR.¹⁰⁷

The consequences of all this violence was a return to previous years—the immediate need for reconstruction of physical infrastructure, the establishment of the rule of law and its public respect, the prosecution of perpetrators, and the return of all displaced people—but also a deeper polarization within the society. These events also proved that although a lot of progress had been achieved since 1999, the results from the efforts for that multi-ethnic society are not encouraging. And the situation remains fragile and relatively unstable.¹⁰⁸ Moreover, it is obvious that some ethnic Albanian leaders do not want reconciliation; after five years UNMIK and KFOR were still unable to protect the threatened minorities.¹⁰⁹

At the end of March 2004, the Kosovo Standards Implementation Plan (KSIP) was created to indicate the proper policies and actions that are needed for the implementation of the program “Standards for Kosovo.”¹¹⁰ The plan covers all the sensitive sectors of society and all the necessary actions needed for the future. According to the “standards before status” strategy, the PISG needs to have a more active role in the sectors of justice, governance, freedom of movement, and the return of displaced people for the achievement of those standards.

Since March 2004 the Provisional Institutions of Self-Government has made some progress in the reconstruction of damaged or destroyed property, inter-ethnic reconciliation, and reform of local government. The signing of a joint declaration by Kosovo Albanian and Kosovo Serb leaders on 14 July 2004—in which they collectively commit to completing the reconstruction of houses damaged in the violence before the onset of the winter and give renewed impetus to the return of internally displaced persons

¹⁰⁷ US Department of State. Kosovo. Last accessed 14 Mar 2005, from <http://www.state.gov/p/eur/ci/yi/c13101.htm>

¹⁰⁸ “The renewal of violence signals the final collapse of the ideology of a multicultural society in Kosovo.” Janjic, Dusan. “Serbia and Montenegro Politics: Renewed Violence in Kosovo,” *Economist*, 19 Mar 2004.

¹⁰⁹ Human Rights Watch. Interview with diplomatic source, Pristina, 18 April 2004.

¹¹⁰ Kosovo Standards Implementation Plan (KSIP). 31 Mar 2004, p. 2.

(IDPs)—is a significant development, but it needs to be followed up with concrete and timely action, as nearly 2,400 people remain displaced.¹¹¹ The setting of a timetable for the standards' implementation is not an easy task because of the limited success which has been achieved so far. The present situation forces all the involved actors to try harder for the achievement of the desired standards, but, on the other hand, the multi-ethnic society in Kosovo is very unstable, as was proved by the March 2004 violent events.

The present situation has reached a stalemate and new initiatives are needed for solving the problem. Any initiative from international actors without the good intentions of Belgrade and Pristine will be without meaning. An approach and dialogue are necessary between Belgrade and Pristine for the improvement of the social conditions in Kosovo. The election of the former ethnic Albanian rebel commander Ramush Haradinaj¹¹² as Kosovo's prime minister will not help in this direction.¹¹³

Kosovo is a UN protectorate, and Albanians leaders, although they seem to like this situation, prefer complete independence, and they are moving in that direction. On the other hand, that is opposite to Resolution 1244,¹¹⁴ and no one Serb leader can accept it now. The United Nations' administration seems to be trying to delay the final decision for Kosovo's political status. The policy "standards before status" advocates this delay. The standards described in "Standards for Kosovo" are so high that it will take a long time for their achievement. And the recent violent events and the boycotting of October's elections proved that much more time is needed for the peaceful coexistence, the economic development, and the democratization of Kosovo.

C. CONCLUSION

In conclusion, the Kosovo crisis has its roots not only in historic and nationalistic reasons but also in the failure of the state and the loss of its legitimacy. The change in the

¹¹¹ SC/8164, 5 Aug 2004.

¹¹² Financial Times Information: "KOSOVO PM WOULD BE DETAINED IN SERBIA: JUSTICE MINISTER Haradinaj, 35, is wanted by Belgrade on 108 counts of alleged war crimes against Serb civilians during the 1998-1999 war in Kosovo. He was a senior commander of the Kosovo Liberation Army (KLA) guerrilla movement during the ethnic Albanians' separatist war against Serbian forces, and recently has been questioned by UN war crimes investigators."

¹¹³ "'Haradinaj can come to Serbia, but he would immediately be arrested and put in detention as a warrant has been issued for him,' Justice Minister Zoran Stojkovic said." Ibid. 9 Dec 2004.

¹¹⁴ "Reaffirming the commitment of all Member States to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia and the other States of the region...." UNSCR 1244, p. 2.

international system after the collapse of the Soviet Union advocated the spread of conflicts. The international intervention in Kosovo was a temporary solution for the region that provided humanitarian relief to Kosovar Albanians in the beginning and protection to other minorities afterward. It also established the basis for a developed society: a transitional authority (international and domestic) established for the achievement of a sustainable peace.¹¹⁵ Its long-term goal is the creation of a democratic, self-governed society in which human rights will be respected, with justice and economic development capable to be integrated into Western structures.

The present situation as proved last March is fragile and relatively unstable. It needs more time, effort, and commitment, especially from the PISG, for the achievement of all the standards mentioned in “Standards for Kosovo.” Six years after the end of the bombing the release of the Kosovo Standards Implementation Plan describes the desired actions for the achievement of a certain level of quality of life. The security is fragile and the political situation is on a good route, but the participation is not. After the Serb boycotting of the last elections, the multi-ethnic society faces many problems, and memories from the past are alive. In the economic sector there is a high percentage of unemployment and the economy needs international funds to survive. It is not self-sustaining and, consequently, there is instability and obligations for the international administrators for a long deployment in Kosovo. The judicial administration needs more time, as there is mistrust between the judges and the defendants. Reconciliation is not possible, at least for this generation, and the election of an ex-KLA member as Prime Minister will not help in reconciliation. No one can or wants to forget the past. A self-sustained society is not yet possible. Only development, democratization, and time will help in the achievement of this goal. Another option for achievement of those goals is an Institutionalization Before Liberalization strategy.

¹¹⁵ Doyle, Michael W. *Ending of Civil Wars: Strategy and Transitional Authority*, p. 71.

IV. SCENARIOS FOR THE FINAL STATUS OF KOSOVO AND THEIR IMPLICATIONS FOR REGIONAL STABILITY

A. GENERAL

Six years after the end of the bombing, the remaining undecided status in Kosovo and the ambiguity of Resolution 1244 suggest what many must have known from the first moment—that there is no easy solution for the region’s problems. The final status of Kosovo is the independent variable to this problem, and the Balkans’ stability the dependent. In this chapter I will describe some scenarios in an effort to cover the entire spectrum of solutions, from full independence for Kosovo to a return to the status extant before March 1999. Each possible final decision will be examined regarding its implications in the Balkans’ fragile stability, because the consequences will influence neighboring countries with similar problems (underdevelopment, secession movements, and weak states) and multi-ethnic societies.

The current situation in Kosovo is a stalemate. The moment for a decision on Kosovo’s final political status is far away, as was shown by the violent events in March 2004. The combination of historical and nationalistic reasons for the failure of the state of the former Yugoslavia created a situation in which the reconciliation and peaceful coexistence of Albanians with the other Kosovo minorities is not an achievable goal for the near future. On the other hand, there are some who support the explanation that the existing conditions in Kosovo are caused by the delay in the decision for a final status.¹¹⁶ They support the policy “standards with status,” whereby a decision for the status must be taken and, simultaneously, the PSIG will establish certain standards for all the ethnicities in Kosovo to solve the problem as fast as possible. The eruption of violence in March 2004 demonstrated that Kosovo society is not ready yet for that step. In the implementation of such a policy there is no leverage of pressure for the Kosovar Albanians except the intervention again of the international community. Decision makers, for that reason, have to be careful and patient. The critical point is that the reconstruction of society must be done correctly, not fast. The supervision and commitment of

¹¹⁶ Bugajski, Janus, Hitchner, Bruce R, and Williams, Paul. Achieving a Final Status for Kosovo, Center for Strategic and International Studies, Apr 2003.

international administrators is essential; there is a long way to go to accomplish the standards that were set by the UN. A failure in Kosovo will have serious consequences for the region and require further, and probably more, international administration.

The characterization of the future status as “final” means that it should be long-lasting and self-sustaining, without the supervision of international administrators. One necessary precondition for this accomplishment is that the status not provoke regional disorder or unstable situations. The term “Balkanization” is used to show a region’s multiple divisions.¹¹⁷ It derived from the complicated situation in the Balkans where so many nations and ethnic minorities exist that separation with borders is impossible. The fall of the Ottoman Empire created all the states that, after a series of wars, acquired their contemporary borders. The ethnic map of the Balkans is also complicated because of the differences among the states based on historical, nationalist, religious, and cultural reasons.¹¹⁸ The borders were drawn after the disintegration of the Ottoman Empire according to the interests of the so-called Great Powers,¹¹⁹ not according to the composition nationally of the population. The problem is that, according to Western liberal values, self-determination is the basic principle in the state-making process. Thus, two conflicting factors—self-determination according to nationality and the drawing of borders according to the conflicting interests of the Great Powers—created the present unstable situation in the Balkans.

B. NATIONALISM IN THE BALKANS

Nationalism is the leading ideology in the Balkans. It is the basis of all the conflicts in the Balkans and the basis for the liberation of all states after the fall of the Ottoman Empire. The word “nation” derives from the ancient Latin word *natio*, which originally meant “birth” or “descent” as a distinctive feature of groups of all kind.¹²⁰ Renan concludes that a nation is a soul, a mental principle. Two things that are one and the same constitute this principle. One of them is a storm of memories; the other is a

¹¹⁷ Balkanize: To break up (as a region or a group) into smaller and often hostile units. Merriam-Webster’s Collegiate Dictionary.

¹¹⁸ Paxton, p. 50.

¹¹⁹ “Austria-Hungary’s insistence that an independent Albania be set up blocked Serbian access to the Adriatic Sea.” Ibid, p. 50.

¹²⁰ Ibid, p. 99.

currently valid agreement, a wish, to live together. A nation, then, is an extended community with a peculiar sense of kinship sustained by an awareness of the sacrifices that have been made in the past, and the sacrifices the nation is prepared to make in the future. A nation presumes a past, but the past is summed up in one tangible fact: the agreement, the desire, to continue a life in common.

Nationalism as a predominant ideology spread in Europe during the last two centuries. In particular, nationalism's roots are in the industrialization and urbanization in 1882, when people started to participate in the political process. The majority of the newly established states after the end of the Cold War have their roots in nationalism. The idea of nation, as it was shaped in the nineteenth century, changed the people's idea about their territory. The nation occupies the territory, not the King. The idea of popular sovereignty transformed the people's idea and sovereignty became his or her political entity. This in turn created a need for distinguishing mechanisms—the borders—for its defense.¹²¹

The idea of nation also had consequences in the perception of the change of status of a particular territory. The loss of a French province from Germany in the eighteenth century did not mean anything, but in 1871 it was a national tragedy and humiliation. The same reason is used today by the Serbs about Kosovo. The loss of part of the territory became the basis for future wars to restore national integrity and pride, especially when that territory had so important a meaning for both the Serbs and the Albanians.¹²²

C. STATE CREATION

The meaning of borders is important in Kosovo's case because the decision about its final status comprises two main options: to keep or not to keep the existing borders. Another dimension of the meaning of borders is the change of philosophy in the post-Westphalian world. Its characteristic is the recognition of sovereign states as the main actors in an international system.¹²³ This idea is used by Serbs to de-legitimize the Kosovar Albanians' claims. Kosovo's case is a challenge of the sovereignty of a state by a portion of its population with a different nationality that has resulted in international

¹²¹ Holsti, p. 86.

¹²² Ibid, p. 87.

¹²³ Ibid, p. 124.

intervention in favor of the suppressed minority. United Nations Resolution 1244 is ambiguous because, although it supports the territorial integrity of the FRY, it turned Kosovo into a UN protectorate and Serbia has no authority, in reality, there.

The recognition of a state has different stages and criteria, depending on international circumstances and trends. After the end of World War I, the criteria for the recognition of a state (especially those that arose from the disintegration of old empires) were a democratic constitution and the guarantee of the human rights of all people—consequently, all minorities—that existed in the sovereignty of the state.¹²⁴ Those criteria changed after World War II. The new criteria were clearly established boundaries, an administration capable of governing the state, institutions for the provision of security (external and internal), justice within the society, and institutions for the manifesting of public opinion.¹²⁵ The collapse of the Soviet Union changed again the criteria for international recognition of all those states which were created from the disintegration of the Soviet Union and the former Yugoslavia. There was a return to the criteria of 1919 (democratic institutions and protection of minorities and human rights), with the addition of economic institutions for free markets.

Before all possible scenarios are discussed, it is necessary to emphasize that the maintenance of a state is as important as its sovereignty.¹²⁶ The ability of the PISG to govern an independent state is ambiguous. Basic aspects such as security and the economy are not self-sustaining and international aid is necessary for Kosovo's survival. Moreover, respect for human rights and free movement requires UN supervision for at least this generation. Memories of the past are too strong for reconciliation in the next few years. The potential new state will be too weak and its ability for the provision of basic services is doubtful. The creation of another weak state with a multi-ethnic society and a “capacity and legitimacy gap”¹²⁷ probably will cause new conflicts and instability

¹²⁴ Holsti, p. 129.

¹²⁵ Ibid, p. 130.

¹²⁶ Ibid, p. 131.

¹²⁷ Eizenstat, Porter, and Weinstein, p. 136.

in the region. In addition, it is necessary to keep in mind that a weak state is a potential source of drugs and small-arms trade and terrorism, and a general threat to international security and stability.

D. FUTURE SCENARIOS

All options that will be described are based on the assumption that the main involved actors are the Serbs, the Kosovar Albanians, and the international community represented by the UNMIK. The two opposing sides until now have kept a hard line as both refused to make any compromises and neither seemed to truly have intentions that would lead to a sustainable result. The Serbs cannot accept an independent Kosovo, for historical, economic, and strategic reasons. They realize that a return of Kosovo to its previous status (before 1999) is not possible, so they now discuss its “cantonization.” On the other hand, the Kosovar Albanians, backed by Albania, will not be satisfied with anything less than full independence, as they have adopted the principle of self-determination and 90 percent of Kosovo’s population is Albanian. Their further aspiration is to join with Albania because the next step after the independence of Kosovo for nationalistic reasons is the rejoining of the entire nation. Finally, the international community, although it supports the territorial integrity of Serbia,¹²⁸ some argue that its actions and incentives intend the de facto independence of Kosovo. In addition to all these scenarios, it is clear to all sides that Kosovo will be too weak to survive on its own as an independent state and will need international help for its survival. A possible failure of the international community encloses many threats. A possible “governance gap” will create conditions for the entrance of more destabilizing factors. Many Muslim countries provide help in areas where the population is dissatisfied with Western aid. They link anti-Western ideologies with local concerns about being isolated from the rest of Europe. The Saudi Joint Committee for the Relief of Kosovo and Chechnya (SJCRKC) has been the most visible of these organizations. The SJCRKC’s success in Kosovo is attributable to its monopoly on the distribution of Kosovars’ daily needs, such as food, clothing, and shelter, as well as the tools for the cultural survival of those in rural areas, such as schools and mosques.

¹²⁸ UNSCR 1244 (1999).

Thriving in Kosovo's devastated rural areas, where the adult male population in particular was targeted by Serb forces during the 1990s, organizations operating under the SJCRKC's umbrella have not only monopolized food and health supplies to the population, but also education. In this sense, the conditions in rural Kosovo resemble those observed along the Afghan border in the 1980s and early 1990s, when large numbers of families were also dependent on Saudi "charity." Indeed, the mechanics of the Taliban phenomenon in Pakistan find many parallels in rural Kosovo—parallels that should alarm policymakers as the SJCRKC extends its influence in the region.¹²⁹

All the possible scenarios will be examined according to their consequences for the Balkans' stability. Almost all countries in the region have ethnic minorities and the final decision for Kosovo will work as the leading example of a change of the existing status, with a further consequence being the possible destabilization of the area. Especially in FYROM, where there is a large Albanian minority and the capacity of the state is limited, the danger of disintegration is serious. The possible independence of Kosovo (in any form) will create the same expectations in the Albanian minority, with significant consequences to FYROM's stability and, consequently, in the entire region.

First, all scenarios will be examined in which there is no change of the contemporary formal borders because they will cause less instability in the region than those with a change of borders. For the estimation of regional stability, I will take into consideration the social and economic conditions of the neighboring states and their commonality with those in Kosovo, the possible necessary movement of minorities, and the possible involvement of other countries in case of instability.

1. Scenario No 1: Kosovo Remains an International Protectorate Till the Full Membership of Serbia in the European Union

In this scenario an important role must be played by the European Union (EU). Everyone agrees that international aid and supervision will have to remain in Kosovo. The United States, as required by the international conditions (the war on terror in Iraq and Afghanistan), will decrease its presence in the Balkans. Consequently, the only international organization capable of supervising Kosovo is the European Union. It has to "enforce" Serbia to be integrated into the Western structure and to become a full member.

¹²⁹ Blumu, Isa. The Islamist challenge in Kosovo, *Current History*, Vol. 102, Iss. 662, Mar 2003, pp. 124–125.

UNMIK will continue its administration in Kosovo as long as necessary with no change of the present status, and the PISG will continue their efforts for the achievement of the Kosovo Standards Implementation Program. The status of issues like sovereignty, independence, or UN membership will remain as they are. The final goal will be the entrance of Serbia as a full member into the European Union. Then the UN will hand over Kosovo's supervision to the EU.

Serbia's full membership will be the catalyst for the decision of Kosovo's final political status because it will be difficult for Kosovo's self-government to insist on full independence and exodus from the European Union. As was mentioned, Kosovo will still be a very weak state and need international aid for its development and survival. However, almost every state in the Balkans strives for integration into Western structures and full membership in the European Union. The demand for exodus from the European Union by Kosovar Albanians has no basis and will have serious consequences in terms of the international aid that they will ask for in the future. Moreover, Albania must stop its support of the secession demands of the Kosovar Albanians. A more responsible position taken by Albania will help solve the problem and make it easier for Kosovo to achieve the standards set by the United Nations. The resulting stability will help not only Kosovo's development but also the entire region's economic prosperity and wealth.

In addition, the acceptance of Serbia into the EU means that its government will have achieved certain standards in its economic sector and a level of democratic governance that guarantees respect for human rights and the economic prosperity of the country. Furthermore, it will then be easier for Serbia to accept the of autonomy of Kosovo within the European Union.

The European Union is concerned about the conditions in the Balkans and has in hand the means to create a basis for peace and development in the region.¹³⁰ The

¹³⁰ "The Special Co-ordinator of the Stability Pact argued that if the EU did not pay enough attention to the Balkans now, the region might become 'a potentially unstoppable source of illegal migrants, prostitution, and organised crime.'" London's Royal Institute of International Affairs, 17 Dec 2004.

development and acceptance of Balkan states into the European Union will help stabilize the region and help states avoid the influence from countries that would only increase the instability.¹³¹

a. Consequences for Regional Stability

The situation will remain relatively unstable, as it is today, but as time passes the development and democratization in Serbia and Kosovo will be more consolidated. The desired standards will be achieved, and it is expected that tensions will be less than today.

Many support the belief that as long as Kosovo's final status remains undecided, Albanians will be disappointed and that will create new tensions between the Kosovar Albanians and the international community. But this opinion is expressed mostly by the supporters of Kosovo's full independence. On the other hand, if the PISG succeed in their effort for democratization and development, people will think more about the benefits of their situation and the improvement in their lives, and not about how to kill each other.

Another positive factor of this scenario is that neighboring countries will not be affected by the new situation. Their stability will remain as it is now or it may improve as they continue their efforts for democratization and integration into Western structures.

2. Scenario No 2: Kosovo Remains a Serbian Province with an Autonomous Status

This scenario is what the Serbs want, but they know that this solution is too difficult, even though they have taken some considerable steps toward democratization and probably will avoid the mistakes of the past. It would be impossible, however, for the Kosovar Albanians to accept Serbian rule, especially after what has happened since

¹³¹ Stability Pact for Southern Eastern Europe: The Stability Pact for South Eastern Europe was adopted in Cologne. In the founding document, more than 40 partner countries and organizations undertook to strengthen the countries of South Eastern Europe "in their efforts to foster peace, democracy, respect for human rights and economic prosperity in order to achieve stability in the whole region." Euro-Atlantic integration was promised to all the countries in the region, 10 Jun 1999.

1989.¹³² They would react violently to this option and the international community, after its intervention, would find it impossible to let Kosovo return to its previous status. The only hope is the democratization of Serbia and Kosovo so they can cooperate at the governmental level, because memories of the Serbs' behavior, at least since 1998, are difficult for Kosovar Albanians to forget and vice versa.

a. Consequences for Regional Stability

The Albanians' reaction would be considerable and probably new disorders would erupt. The international community, as was proved in the violent events of March 2004, would need reinforcement to handle the disorder. A new intervention would favor the Serbs, as the Albanians would reject this option and the situation would be very complicated. The result would be a return to the initial point of June 1999. This scenario would possibly not affect minorities in neighboring countries.

3. Scenario No 3: Cantonization/Decentralization¹³³

The next option is the creation of Serb enclaves in Kosovo's territory that would be governed by them without any change in current borders. The Serbs' boycotting of the last elections points to this option. It would, however, have negative consequences for the region as it would set a precedent for minorities in neighboring countries, who might then ask for the same status. On the other hand, Albanians do not accept this scenario because it constitutes de facto recognition of Yugoslav authority in these Serbian enclaves.¹³⁴ This option is a similar situation to that that Serbia faced when the Kosovar Albanians were asking for autonomy.

a. Consequences for Regional Stability

This option would probably spark similar scenarios in every multi-ethnic society in the region. Every country in the region with an ethnic minority—FYROM,

¹³² "In the wake of what Bernard Kouchner, the head of the UN Mission in Kosovo, has described as 'forty years of communism, ten years of apartheid, and a year of ethnic cleansing,' peace-building in Kosovo is an exceptionally difficult and long-term task. Military victory was but the first step on a long road to building a durable, multi-ethnic society free from the threat of renewed conflict." 1 Feb 2005. Last accessed 14 Mar 2005, from <http://www.nato.int/docu/facts/2000/kosovo.htm>

¹³³ The Prime Minister of Serbia on 2 March 2004 presented in the parliament a programme for Kosovo's cantonization: "the solution, if there is still time for one, must include some autonomy inside Kosovo for majority-Serbian regions and the most sacred Serbian holy sites, which together comprise about a quarter of Kosovo."

¹³⁴ United States Institute of Peace, Special Report 91, Kosovo Final Status: Options and Cross-Border Requirements, p. 7.

Serbia, Bosnia-Herzegovina—might well face the same problem because every minority group would ask for the same status. The dominant states would not accept such a change of Kosovo's status without considerable reaction, and the danger of their disintegration would be evident. Any chance of a sustainable peace would be lost, and the international community again would be called upon to intervene to solve the differences. Thus there would be an increase of its presence instead of the opposite.

This is especially true in FYROM where there are ethnic minorities,¹³⁵ the majority Albanian, and that relatively weak state would be in danger of disintegration. If that happened, its Albanian minority would join with the “motherland,” Albania, and aspirations for a Greater Albania would be rekindled. The danger of intervention by neighboring countries is also a factor that would cause instability in the entire region. Even if this did not happen, a new wave of refugees to neighboring countries would be created and the danger for instability in the region would be increased.

4. Scenario No 4: A Commonwealth¹³⁶

In this scenario, Kosovo would function as an independent state with separate UN membership but Serbia would keep nominal sovereignty. This option would satisfy Serbia as the borders would remain the same, there would be a connection between Serbia and Kosovo, and Serbia would have separate representation in the UN. The combination of this option with the second one, cantonization, would create a preferable scenario for the Serbs.

On the other hand, the Kosovar Albanians would be satisfied with the separate membership in the UN, but they would disagree with Serbian nominal sovereignty and cantonization. Another necessary condition would be the improvement of relations between Pristina and Belgrade, otherwise it could not exist as a commonwealth. However, many Albanians would surely think this option was another step toward independence.

¹³⁵ Macedonian 64.2%, Albanian 25.2%, Turkish 3.8%, Roma 2.7%, Serb 1.8%, other 2.3% (2002). US Central Intelligence Agency. Last accessed 14 Mar 2005, from <http://www.cia.gov/>

¹³⁶ United States Institute of Peace. Special Report 91: Kosovo Final Status, Options, and Cross-Border Requirements, p. 9.

a. Consequences for Regional Stability

As long as the formal Serbian borders remain as they are, the region would be relatively stable, although some extreme elements in every minority might believe that this was the next step to the full independence of Kosovo and, consequently, would keep their hopes up for their own independence. Refugees would be unlikely to return if there was no combination with cantonization. The international community would have to ensure their security and safe living conditions.

There are additional scenarios for a final-status solution without a change of current borders, but all of them are based on the four scenarios already discussed. The following scenarios have as a precondition a change of borders. Within these options lies hidden the danger of destabilization of the region.

5. Scenario No 5: Full Independence of Kosovo with Partition¹³⁷

In this scenario, Kosovo would gain its independence without the Serb-dominated north and north Mitrovica (north of the Ibar River).¹³⁸ This option raises questions, however, about the luck of Serbs in southern Kosovo (about 50,000) and the Albanians in the southern part of Serbia. For Serbs, partition may be the only acceptable way for Kosovo to be independent, as all agree that Serbs cannot be “ruled over” by Albanians.¹³⁹ On the other hand, Albanians, in the name of independence, would probable accept partition. But until now, both sides have maintained a hard line and refused to compromise for a solution.

a. Consequences for Regional Stability

The consequences of a secession of Kosovo would be the same but even worse than those of cantonization (option 2). Countries such as Bosnia-Herzegovina, FYROM, and Serbia would face a danger of internal disorder from their different ethnic minorities. And again, aspiration for a Greater Albania would be raised. Some pessimists believe that Albania, in the name of a Greater Albania, might claim territories from Greece and support a partition of the Albanian minority in FYROM. The possible

¹³⁷ United States Institute of Peace, p. 13.

¹³⁸ On 29 April the Serbian Parliament approved an elaborate plan for the territorial autonomy of Serbs in Kosovo. European Stability Initiative. The Lausanne Principle: Multiethnicity, Territory, and the Future of Kosovo's Serbs. Berlin/Pristina, 7 Jun 2004. Last accessed 14 Mar 2005, from www.esiweb.org

¹³⁹ Ibid.

involvement of Greece in the dispute would probably cause Turkey to intervene on Albania's side, which would result in a new Balkan war. Even if this did not happen, all the various minorities would claim their independence in keeping with the principle of self-determination. Weak states like FYROM have no capacity for yet another partition, and destabilization of the entire region would result.

A tragic dimension of this scenario would be the internally displaced people (IDP) (about 200,000).¹⁴⁰ The Serbs who live in the southern part of Kosovo would be in danger of "ethnic cleansing" in the case of independence, and they would be forced to move to safer places, like northern Kosovo. The same is possible for the Albanians who live in southern Serbia. An international presence would be necessary to support those population movements.

6. Scenario No 6: An Independent Kosovo with the Province's Current Borders

According to this sixth scenario, the Kosovar Albanians would get what they want after so many years of fighting: the full independence of the province. This option again raises many questions, however, about Kosovo's ability to survive on its own, and about the security of minorities, the regional stability, and the role of an international administration in this state.

The present situation in Kosovo has proved that the PISG does not have the ability to provide security for the people who live there. There are no armed forces for external security and the Kosovo Police Corps (KPC) proved incapable (or on some occasions unwilling)¹⁴¹ to protect minorities in the violent events of March 2004. This service is now provided by international forces and in the case of independence this situation would be continued. The only other possibility would be Kosovo's annexation to Albania, something opposite to the will of the international community because of the consequences in other countries, especially the FYROM, which would be very destructive.

¹⁴⁰ The Lausanne Principle, p. 13.

¹⁴¹ "In some cases, KPS officers did little if anything to protect Serbs under attack." Human Rights Watch. Last accessed 14 Mar 2005, from http://www.hrw.org/reports/2004/kosovo0704/7.htm#_Toc77665984.

Another issue would be that of the minorities who live in Kosovo. Internal security institutions have also proved to be insufficient for the establishment of the rule of law. Again, KFOR is responsible, as was proved after the March 2004 violence when KFOR received a great amount of criticism for its failure to handle those events,¹⁴² and not the KPC. The present conditions do not provide much hope for the peaceful coexistence of all minorities in Kosovo. This is the reason for enforcement by the international community of the “Kosovo Standards Implementation Program.” Serbs will not discuss this option and the international community till now has not wanted a separation of Kosovo from Serbia.

The reaction of minorities in neighboring countries is another issue that must be taken into consideration when discussing the sixth option. There is an Albanian minority in FYROM with similar aspirations and a possible independent Kosovo would ignite new disorder in that country.

The reasonable solution of all these issues is that international supervision would remain the in the region with no change of the present status.

a. Consequences for Regional Stability

The consequences for regional stability would be the same as those in the previous scenario, independence with partition, or even worse. All the minorities would demand the same status in the name of self-determination, and Kosovo’s case would be the model for their demands.

There is also a scenario for joining independent Kosovo with its “motherland,” Albania, a logical consequence after the determination of Kosovo’s final status, if as an independent state.

In all the above scenarios there is a common factor: international supervision and administration would have to remain in the region because the potential new state would be too weak to survive on its own. There are also many details to be worked out about the free movement of people, the relations between Pristina and

¹⁴² “Although international officials have been outspoken in their criticism of the Kosovar leadership for its failings during the crisis, they have not shown a similarly critical attitude in evaluating the failures of their own organizations and institution.” Human Rights Watch, *Failure to Protect: UNMIK and KFOR’s Inability to Protect Serbs and Other Minorities*. Last accessed 14 Mar 2005, from <http://www.hrw.org/reports/2004/kosovo0704/6.htm>

Belgrade, and other cross-border issues. The basic precondition for a successful arrangement of these issues is a dialogue between the two communities; otherwise, sooner or later conflict will erupt again.

In conclusion, the present situation in Kosovo does not provide much hope for the near future, although there are many who believe that the present situation is a result of its undecided political status, and that, when that status is decided, development will be achieved. They believe that the stability of the state would encourage investments. Most of them support the solution of an independent Kosovo, ignoring the consequences for the region and Kosovo's incapability of self-sustainment.

Kosovo's circumstances have deep roots in nationalism and history. It is difficult for Kosovar Albanians to convince the international community that they can provide a long-standing solution and create a self-sustainable state. The survival of this state depends on international aid and supervision. The recent violent events in March 2004 proved that five years from the end of the bombing, and three years after the creation of the Provisional Institutions of Self-Government, Kosovo still has a long way to go to achieve an acceptable level of quality-of-life. Kosovo society, in aspects such as security, the economy, and justice, is not self-sustainable, and the creation of another weak state would only increase the current uncertainty in the Balkans. The absence of international administrators would probably create chaos in Kosovo and instability in the region, and would permit influence by Muslim countries from the Middle East (e.g., Saudi Arabia) with further consequences for international security.

The international community, on the other hand, recognizes that a new state with the conditions that exist in Kosovo would put the entire region in danger. United Nations Resolution 1244 is ambiguous: the solution is not easy and needs more time. The United Nations is an international organization based on the post-Westphalia concept of the state as primer actor in the international system. However, UN intervention in Kosovo resulted in its transformation to a UN protectorate and the loss of every legitimate right of Serbians in the province. On the other hand, the same resolution mentions support for Serbia's territorial integrity and sovereignty.

All possible scenarios for Kosovo's final political status are focused in two basic solutions: an independent Kosovo, or not. A more general approach to this problem may lead to a solution. The importance of respect for human rights, development, and democratization must refer to all the Balkan states, not just Kosovo or FYROM. The effort to solve only Kosovo's situation will create further problems for the FYROM and Bosnia-Herzegovina. Moreover, all these states want to enter the European Union. There is no rationale for creating new weak states and new efforts to develop them and integrate them into Western structures. The EU has an active and "coercive" strategy for all the Balkan countries, given their present status, to join the European Union.¹⁴³

There are many scenarios for Kosovo's future, but for the moment, all of them agree on the necessity for an international administration of aid and supervision. All the factors lead to the conclusion that keeping UN supervision and international aid until the achievement of certain standards is necessary. Serbia after Milosevic's fall has begun a democratization process. The European Union has to "seek" both for the Balkans' stability¹⁴⁴ and Serbia's acceptance as a full member. The provision of aid in Serbia for its integration into Western structures and its membership in the European Union will make it easier to solve the Kosovo problem. Demands for certain standards—of the economy, democracy, human rights, and freedom in movement—from the European Union will ensure the required standards also in Kosovo. The achievement of these standards should be easier in Serbia than in Kosovo, so it will take less time for its problem's solution. It will not be easy for Kosovar Albanians to keep asking for their independence, which in this case will mean first an exodus from the European Union and then asking for international help for their further development and reintegration into the European Union or other Western structure as an independent state. On the other hand, under these conditions it will be easier for Serbia to accept some kind of independence or autonomy for Kosovo.

Albania also has an important role to play. It has a direct link with the Kosovar Albanians, so it must show that it works for regional stability and wants

¹⁴³ Stability Pact for Southern Eastern Europe.

¹⁴⁴ This is the reason for the creation of the Stability Pact for the Southern Europe.

development for Kosovo and the entire region. A responsible and mature Albania would be more easily integrated into the Western world. Another positive aspect of this scenario is that all neighboring countries would remain stable and would strive for their own development and democratization and for integration into the European Union.

E. CONCLUSION

Kosovo's status will remain undecided for some years to come because it is not ready for any kind of independence or autonomy. Moreover, it is not possible for it to return to the status it had before March 1999. All the above scenarios show the need for a longer stay of the international community in the region. The need for development and democratization is the basic goal of UNMIK and the PISG. This is the reason for the implementation of the Kosovo Standards Implementation Program (KSIP). The significance of this program is its enforcement of the PISG's achievement of predetermined standards in sectors such as governance, democracy, justice, economy, and respect for the human rights of every ethnic group in Kosovo. Nationalism and recent memories from the Milosevic era are the main obstacles to reconciliation in Kosovo society. The PISG must prove that it is capable of establishing justice and reconciliation and is able to govern. The KSIP also will be used by the UN Security Council to measure and assess the PISG's progress in meeting the desired standards.¹⁴⁵

Serbia must be "driven" to the European Union. That could be a catalyst not only in the decision of Kosovo's status but also for the entire region's stability. Serbia's membership in the EU would guarantee all of the standards required for the development of the country—including Kosovo. On the other hand, the Kosovar Albanians would get a kind of independence that would satisfy them. A sustainable peace and integration in Europe can be achieved only when both sides realize that their development depends on their mutual cooperation and respect.

¹⁴⁵ M2 Presswire Coventry UN: Security Council reiterates that Kosovo Standards Plan should be basis for assessing provisional institutions of self-government; In Presidential Statement, Council Also 'Strongly Urges' Provisional Institutions to Demonstrate Full Commitment to Multi-Ethnic Kosovo. 3 May 2004, p. 1.

V. CONCLUSION

The end of the bombing in June 1999 and the arrival of an international administration created big expectations among the Kosovar Albanians: they thought that the time for their independence had arrived. The subsequent years proved very difficult, however, and the final political status of Kosovo six years later remains undecided.

The international community soon realized that it would not be an easy task to implement a solution. The area was devastated from the bombings and from conflicts between Serbs and Albanians. The need for reconstruction was crucial. Security was a difficult task and only now is the environment relatively secure. In the area of governance the Special Representative of the UN Secretary General, in the beginning, held all the power, but as the situation improved, he passed some authorities to the PISG. In the economic sector much more is needed: unemployment is the highest in Europe and the population is the youngest, a combination that creates unstable conditions for the region. The judicial sector also needs improvement.

Although Kosovo has achieved many things over the past six years, it needs more time to accomplish all the tasks that were set by the UN. Sectors such as security, governance, and justice need a lot of effort and time for the achievement of an acceptable level of the quality-of-life. Today Kosovo is incapable of surviving as an independent state and is unable to provide basics services to its residents. On the other hand, it is also impossible for Kosovo to return to its status of March 1999. The peaceful coexistence of different minorities is possible only because of the presence of international security forces. Reconciliation among minorities in Kosovo also needs more time. Now international security forces are faced with a paradox. Six years ago they intervened to stop the ethnic cleansing of the Albanian minority in a province of a dominant Serbian state. Today, they have to protect the Serbian citizens of this state from the Albanian minority, the majority in the province of Kosovo. Their hope is that short-time reconciliation will prevail. It is difficult for people who were fighting each other some years ago, and who probably are responsible for deaths in the families of their neighbors, to live together in harmony.

On the other hand, most of the Balkan states face the same problems as Kosovo. The conflict between liberal ideas and self-determination, on the one hand, and maintaining formal borders and the stability of the region on the other hand creates a very dangerous situation in the Balkans. Poor economies, ethnic minorities with aspirations for secession and the creation of a Greater Albania and Serbia, and the status of weak states are the main characteristics of the Balkans. The solution in Kosovo will probably be a leading example for regional ethnic minorities, with many undesired consequences for the region's stability.

The Balkans' stability will be heavily influenced by Kosovo's final status. Its population of about two million includes eight ethnic and religious minorities. An independent Kosovo would be incapable of adapting all these people to a state with democratic principles, respect for human rights, and economic wealth. Nationalism still influences relations among the citizenry, and the high unemployment adds to the increasing instability of the region. Whatever Kosovo's final status, it must contribute to its residents' wealth, economic development, and peaceful coexistence.

There are two basic choices for the final status of Kosovo: to change or not to change the current borders. The international community, with UN Resolution 1244, made clear its opposition to any change of Serbia's borders. Moreover, it is obvious that an international administration and aid is necessary in Kosovo. Due to international conditions the United States withdrew its forces from the region. Consequently, it is time for the European Union to play a role in Kosovo. The enforcement of development in Serbia will have faster results than that in Kosovo. The acceptance of Serbia as a full member of the EU will help solve this problem. International supervision would remain and the EU would guarantee certain standards of democracy, economic prosperity, and justice in both Serbia and Kosovo.

Moreover, this scenario would not unduly influence the fragile stability; to the contrary, it would improve the expectations of other countries to join the European Union.

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